

From: Malkin, Joseph M.
Sent: 10/28/2013 12:09:24 PM
To: Gruen, Darryl (darryl.gruen@cpuc.ca.gov); 'Bone, Traci' (traci.bone@cpuc.ca.gov)
Ramaiya, Shilpa R (/o=PG&E/ou=Corporate/cn=Recipients/cn=SRRd); [Redacted]
[Redacted]); Sharp, Shelly
Cc: (/O=PG&E/OU=Corporate/cn=Recipients/cn=SSM3); [Redacted]
[Redacted]; 'margaret@mfelts.com'
(margaret@mfelts.com); Roberts, Thomas (thomas.roberts@cpuc.ca.gov); Paull,
Karen P. (karen.paull@cpuc.ca.gov); 'bstrottman@meyersnave.com'
(bstrottman@meyersnave.com); 'SKS@CPUC.CA.GOV'
(SKS@CPUC.CA.GOV); 'austin.yang@sfgov.org' (austin.yang@sfgov.org);
'darryl.gruen@cpuc.ca.gov' (darryl.gruen@cpuc.ca.gov); McIntyre, John (Intern)
(John.McIntyre@cpuc.ca.gov); [Redacted]
[Redacted]; Garber, Stephen (Law)
(/o=PG&E/ou=Corporate/cn=Recipients/cn=SLG0); Vallejo, Alejandro (Law)
(/o=PG&E/ou=Corporate/cn=Recipients/cn=AXVU); Gas Ops Support
(/O=PG&E/OU=Corporate/cn=Recipients/cn=SBResponderGroup); Gas Ops Data
Requests (/O=PG&E/OU=Corporate/cn=Re cipients/cn=SanBrunoIncidentData);
Smith, Bruce T (/O=PG&E/OU=Corporate/cn=Recipients/cn=BTS1); [Red]
[Redacted]; Sabino, Pearl Z.
(pearlie.sabino@cpuc.ca.gov); Skinner, Nathaniel (nathaniel.skinner@cpuc.ca.gov);
Cadenasso, Eugene (eugene.cadenasso@cpuc.ca.gov); Berdge, Patrick S.
(patrick.berdge@cpuc.ca.gov); Hairston, Eric Matthew (ehairston@orrick.com);
Margaret Felts (margaret@mfelts.com); Tom Long (tlong@turn.org)
(tlong@turn.org); 'grubens@adcl.com' ('grubens@adcl.com')

Bcc:

Subject: RE: ORA prioritization of outstanding data requests - and related issues

Traci,

As I said in my last email, we expect to get you the response to the DRs you sent Thursday later today. While you characterize these as “easy” yes or no questions, to respond, we need to verify whether any segment on Line 147 has its current MAOP set under 49 CFR 192.611. This requires PG&E’s engineering resources, who are engaged in operating and maintaining the gas system as well as responding to other DRs.

As for the FTP, PG&E has been serving parties with DR responses and associated documents consistent with CPUC rules. While having PG&E make those documents available to you on line might be more convenient for you, it is more difficult for PG&E and the company is not able to accommodate your request, as Bruce Smith has explained.

Joe

From: Bone, Traci [mailto:traci.bone@cpuc.ca.gov]
Sent: Monday, October 28, 2013 10:37 AM
To: Malkin, Joseph M.; Gruen, Darryl
Cc: [Redacted]; Ramaiya, Shilpa R; PGE Sharp, Shell; Roberts, Thomas; Paull, Karen P.; 'SKS@CPUC.CA.GOV'; 'margaret@mfelts.com'; 'darryl.gruen@cpuc.ca.gov'; 'austin.yang@sfgov.org'; 'bstrottman@meyersnave.com'; McIntyre, John (Intern); 'grubens@adcl.com'; bts1@pge.com; Garber, Stephen (Law); Gas Ops Support; Gas Ops Data Requests; [Redacted] Sabino, Pearlie Z.; Skinner, Nathaniel; Cadenasso, Eugene; Vallejo, Alejandro (Law); Berdge, Patrick S.; Margaret Felts; [Redacted] Hairston, Eric Matthew; Tom Long (tlong@turn.org)
Subject: RE: ORA prioritization of outstanding data requests - and related issues

Joe: Thank you for your response to my e-mail of Thursday, October 24. DRA is very anxious to have the following simple "yes" or "no" questions answered by PG&E and we cannot understand why PG&E could not respond in a timely manner to them on Friday, as requested. If PG&E cannot answer the following questions today (which were sent to PG&E on Thursday with a 24 hour response requested), I think we should have a meet and confer to discuss this issue.

Here are the questions, which were posed as ORA-OSC 6 to PG&E on Thursday:

MAOP of Line 147

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Question 1:

Is the issue PG&E has raised regarding 49 CFR 192.611 applicable to Line 147?

If so, will PG&E be seeking to increase the MAOP for Line 147 above 330 psi based on 49 CFR 192.611, or some sort of exemption from its interpretation of 49 CFR 192.611?

Question 2:

With regard to Line 147, does PG&E plan to seek some sort of exemption from the requirements of the federal code in order to operate Line 147 higher than its design MAOP?

Further, ORA is aware of Bruce Smith's e-mail to Pearlie Sabino and remains unconvinced that the FTP, or another similar mechanism, is not a more efficient mechanism to provide data to ALL of the parties in this proceeding, so perhaps a meet and confer is necessary for that matter as well.

Please provide the answers to the questions above, or let me know how PG&E would like to proceed, as soon as practicable.

Traci Bone

Attorney

California Public Utilities Commission

505 Van Ness Avenue

San Francisco, CA 94102

(415) 703-2048

tbo@cpuc.ca.gov

From: Malkin, Joseph M. [jmalkin@orrick.com]

Sent: Monday, October 28, 2013 7:18 AM

To: Bone, Traci; Gruen, Darryl

Cc: [Redacted] Ramaiya, Shilpa R; PGE Sharp, Shell; Roberts, Thomas; Paull, Karen P.; 'SKS@CPUC.CA.GOV'; 'margaret@mfelts.com'; 'darryl.gruen@cpuc.ca.gov'; 'austin.yang@sfgov.org'; 'bstrottman@meyersnave.com'; McIntyre, John (Intern); 'grubens@adcl.com'; bts1@pge.com; Garber, Stephen (Law); Smith, Bruce T; McMahon, Allie; Gas Ops Support; Gas Ops Data Requests; [Redacted] Sabino, Pearlie Z.; Skinner, Nathaniel; Cadenasso, Eugene; Vallejo, Alejandro (Law); Garber, Stephen (Law); Berdge, Patrick S.; Margaret Felts; [Redacted] Hairston, Eric Matthew; Tom Long (tlong@turn.org)

Subject: RE: ORA prioritization of outstanding data requests - and related issues

Traci,

We expect to get you responses to your latest DRs later today. As to the other issues you discuss:

PG&E plans to present the witnesses it thinks necessary and appropriate at the November 18 hearing. As ALJ Bushey noted, these are Kirk Johnson, Sumeet Singh and Michael Rosenfeld. We believe these three witnesses can respond appropriately to all relevant questions. Obviously, there are myriad questions various parties could ask of which these witnesses would not have personal knowledge or that they might be unable to answer. That does not mean that we are required to bring a host of witnesses who can provide first hand answers to any conceivable question. Nor are we sponsoring DR responses as part of the hearing; they were provided to ORA and other parties to provide information they asked for and speak for themselves.

After I received your email, Bruce Smith responded to a separate email from Pearlie Sabino about FTP. You were copied on Bruce's email.

Based on Darryl's email of Wednesday, on which you were copied, it is not clear whether all of us have the same understanding about the schedule.

Joe

From: Bone, Traci [<mailto:traci.bone@cpuc.ca.gov>]
Sent: Thursday, October 24, 2013 4:15 PM
To: Malkin, Joseph M.; Gruen, Darryl
Cc: [Redacted] Ramaiya, Shilpa R; PGE Sharp, Shell; Roberts, Thomas; Paull, Karen P.; 'SKS@CPUC.CA.GOV'; 'margaret@mfelts.com'; 'darryl.gruen@cpuc.ca.gov'; 'austin.yang@sfgov.org'; 'bstrottman@meyersnave.com'; McIntyre, John (Intern); 'grubens@adcl.com'; bts1@pge.com; Garber, Stephen (Law); Smith, Bruce T; McMahon, Allie; Gas Ops Support; Gas Ops Data Requests; [Redacted] Sabino, Pearlie Z.; Skinner, Nathaniel; Cadenasso, Eugene; Vallejo, Alejandro (Law); Garber, Stephen (Law); Berdge, Patrick S.; Margaret Felts; [Redacted] Hairston, Eric Matthew; Tom Long (tlong@turn.org)
Subject: RE: ORA prioritization of outstanding data requests - and related issues

Joe: Thanks for your response and for PG&E's prompt response to ORA's question regarding interpreting the PFL.

A few thoughts in response to your note below:

1. **FTP** – ORA staff have confirmed that an FTP site has been set up by PG&E for the OSCs, but to date it has not been used to provide data responses. ORA believes it would be very helpful for all the parties, and streamline things for PG&E, if PG&E could start uploading data responses to the FTP, and then simply send notices to the parties that the FTP has been updated. *Unless someone objects, and provided PG&E agrees that this will provide more immediate access to the data responses, ORA would prefer using the FTP with notice regarding when uploads occur, in lieu of receiving e-mails and CDs with discovery responses.*

2. **ORA Testimony** – To the extent that ORA seeks to prepare testimony for the November 18 hearing, it will be limited to testimony relevant to Line 147. With that in mind, ORA has prepared the attached Data Request (ORA OSC-6) – which includes 2 questions intended to elicit straightforward “yes” or “no” answers - to help it understand whether certain issues are relevant to Line 147. *Given the tight schedule for this proceeding, we ask that PG&E respond to these 2 “yes” or “no” questions in the next 24 hours.*

3. **Identification of PG&E Witnesses** – ORA and the other parties are concerned that PG&E make witnesses who can answer questions available for the hearing. There were several instances in which PG&E's witnesses in the September 6 hearings were unable, or failed, to answer basic questions. Therefore, ORA would like to know in advance the PG&E employees who may actually be in a position to answer questions, rather than relying upon witnesses who will be testifying based on 2nd or 3rd hand knowledge. Further, for purposes of the hearings, PG&E is required to identify witnesses who will sponsor the DR responses even if these were prepared as a Team effort by various PG&E staff.

4. **Need to Discuss Scheduling Alternatives** – ORA is currently working hard to meet the agreed upon schedule and sees no need for a meeting to discuss scheduling alternatives at this time. Please let us know as soon as practicable if you believe such a meeting is necessary.

Please don't hesitate to contact me if you have any questions or concerns regarding the foregoing.

Traci Bone

Staff Attorney

California Public Utilities Commission

505 Van Ness Avenue

San Francisco, CA 94102

Phone: (415) 703-2048

Email: tbo@cpuc.ca.gov

From: Malkin, Joseph M. [<mailto:jmalkin@orrick.com>]

Sent: Thursday, October 24, 2013 9:31 AM

To: Bone, Traci; Gruen, Darryl

Cc: [Redacted] Ramaiya, Shilpa R; PGE Sharp, Shell; Roberts, Thomas; Paull, Karen P.; 'SKS@CPUC.CA.GOV'; 'margaret@mfelts.com'; 'darryl.gruen@cpuc.ca.gov'; 'austin.yang@sfgov.org'; 'bstrottman@meyersnave.com'; 'grubens@adcl.com'; bts1@pge.com; Garber, Stephen (Law); Smith, Bruce T; McMahon, Allie; Gas Ops Support; Gas Ops Data Requests; [Redacted] Sabino, Pearlie Z.; Skinner, Nathaniel; Cadenasso, Eugene; Vallejo, Alejandro (Law); Garber, Stephen (Law); Berdge, Patrick S.; Margaret Felts; [Redacted] Hairston, Eric Matthew; Tom Long (tlong@turn.org)

Subject: RE: ORA prioritization of outstanding data requests - and related issues

Traci,

Thank you for ORA's prioritization of its outstanding data requests. PG&E will address them in the priority order you have provided. We will work to respond to these and the other parties' DRs as quickly as we can and certainly by October 31. We responded to your clarifying DR yesterday.

While we continue to work through the DRs, we cannot agree at this time that we will meet the schedule you have proposed. Nor, since it was not included in ALJ Bushey's schedule, can we

agree to your proposed date for ORA testimony (or making it contingent on what you have called priority 1 discovery being “completely produced”). In fact, from your email, we do not know whether the testimony you contemplate relates to Line 147 or to the three pressure restoration orders.

As we explained on last Friday’s call, most of the DR responses do not have a “sponsor.” They were prepared by teams of people. I’m at a loss to know what value the list of everyone who worked on DR responses would be, and I doubt that, today, we could tell you who worked on which specific DRs. If you will explain why you term this information “critical,” we will try to get you a list of everyone who worked on DR responses.

We will work on a privilege log but, as you can understand, will make it a lower priority than the substantive responses.

With respect to the FTP, Tom Roberts and Bruce Smith have been communicating directly about this, and I will leave it to them.

In light of ALJ Bushey’s clear direction that the first priority for the November 18 hearing should be Line 147, perhaps we should all get back on the phone to talk about scheduling alternatives.

Joe

From: Bone, Traci [<mailto:traci.bone@cpuc.ca.gov>]
Sent: Tuesday, October 22, 2013 3:32 PM
To: Malkin, Joseph M.; Gruen, Darryl
Cc: [Redacted] Ramaiya, Shilpa R; PGE Sharp, Shell; Roberts, Thomas; Paull, Karen P.; 'SKS@CPUC.CA.GOV'; 'margaret@mfelts.com'; 'darryl.gruen@cpuc.ca.gov'; 'austin.yang@sfgov.org'; 'bstrottman@meyersnave.com'; 'grubens@adcl.com'; bts1@pge.com; Garber, Stephen (Law); Smith, Bruce T; McMahon, Allie; Gas Ops Support; Gas Ops Data Requests; [Redacted] Sabino, Pearlie Z.; Skinner, Nathaniel;

Cadenasso, Eugene; Vallejo, Alejandro (Law); Garber, Stephen (Law); Berdge, Patrick S.; Margaret Felts; [Redacted] Hairston, Eric Matthew; Tom Long (tlong@turn.org)
Subject: ORA prioritization of outstanding data requests - and related issues

Joe:

1. Prioritization of Outstanding Data Requests In Preparation for Nov. 18 Hearing: Please find an Excel document attached that prioritizes ORA's outstanding data requests. We will need responses to questions identified as highest priority or "1" no later than October 28 in order to meet the hearing schedule. Please feel free to forward this to whomever at PG&E requires this information. I have tried to cc everyone involved, but I might have missed someone.

2. **One Set Of Clarifying Questions Require An Immediate Response**: ORA has a follow up question based on its review of the PFL data provided with Mr. Johnson's Exhibit A, attached as **ORA-OSC-5**. **If the answer is a simple "yes" – ORA would like to know that within the next 24 hours. If the answer requires more clarification, ORA asks that PG&E respond no later than this Friday, October 25. ORA cannot analyze the PFLs provided without getting clarification on this issue.**

3. ORA Testimony – ORA will not know if it wants to sponsor testimony until it receives at least all of the priority 1 data responses from PG&E. In the event ORA decides to sponsor testimony, it will serve the testimony either November 12 – 10 business days after the Oct. 28 priority one due date, or if PG&E is late providing those data responses, 10 business days after PG&E serves the last of the priority 1 discovery responses (assuming for both cases that those responses are complete and responsive).

4. FTP – ORA understands that PG&E has established an FTP to allow access to the data responses, but that there is no data actually available in the FTP. PG&E needs to upload all of its data responses to the FTP. Presumably, this will save PG&E the time of copying and mailing/delivering data discs to all of the parties, and should ensure more timely access for all parties to the data.

5. New Sumeet Singh Declaration – We understand that there is additional material that needs to be provided in support of Mr. Singh's new declaration. ORA may need to do additional discovery on this material, and to the extent ORA identifies it as priority 1 discovery, PG&E would need to meet the October 28 due date for that discovery. Given this new information, and the need to perform discovery on it, yet still leave time for parties sponsoring witnesses to prepare testimony, ORA questions whether the current schedule is feasible, but we will try to work with it.

6. Identification of PG&E Data Response Sponsors – It is critical that ORA understand who

is sponsoring various data responses as soon as possible. If a team of people respond to a data response, then each member of the team should be listed. PG&E needs to start providing this information with its data responses on October 28 and should provide this information all data responses that it has not yet provided this information for on October 28, and for all data responses going forward.

7. Privilege Log – It is also critical that PG&E prepare a privilege log for any data response for which it is claiming a privilege. PG&E should provide such a log no later than November 1.

8. Proposed Schedule - ORA proposes the following schedule working towards the Nov. 18 hearing date.

- October 23 – PG&E notifies ORA if the answer to ORA OSC-5 Question 1(a) is “yes.”

- October 25 – If the answer to ORA OSC-5 Question 1(a) is not “yes,” PG&E answers the remainder of ORA OSC-5.

- October 28 - PG&E finishes providing priority 1 discovery responses and **PG&E identifies sponsors of data responses already provided, and provides such information on a going forward basis with all further data responses**

- Nov. 1 - PG&E finishes providing priority 2 discovery responses and a privilege log for all data responses provided up to this date.

- Nov. 12 - ORA provides witness testimony (or 10 business days after priority 1 discovery is completely produced by PG&E, whichever is later)

- Nov. 18 - Hearing

Thank you for your attention to these important matters.

Traci Bone

Staff Attorney

California Public Utilities Commission

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